

PTO/SB/17 (12-04v2)

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Effective on 12/08/2004.

As required by the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

**Complete if Known**

Application Number	10/633,249
Filing Date	31 July 2003
First Named Inventor	Kenneth J. Ouimet
Examiner Name	Borissov, Igor N.
Art Unit	3629
Attorney Docket No.	2297-050CON

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
58	- 100 =	/ 50 =	(round up to a whole number) x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer**Fees Paid (\$)**

130.00

**SUBMITTED BY**

Signature

Registration No. 31,165  
(Attorney/Agent)

Telephone (602) 274-6996

Name (Print/Type) Lowell W. Gresham

Date 14 September 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Inventor's Name: <b>Kenneth J. Ouimet</b>	Date: <b>14 September 2006</b>
Serial Number: <b>10/633,249</b>	Group Art Unit: <b>3629</b>
Filed: <b>31 July 2003</b>	Examiner: <b>Borissov, Igor N.</b>
Title: <b>"Strategic Planning and Optimization System"</b>	Attorney Docket No: <b>2297-050CON</b>

## TERMINAL DISCLAIMER

Assistant Commissioner For Patents  
Washington, D. C. 20231

I, Lowell W. Gresham, Registration No. 31,165, an attorney of record in the above-referenced patent application, represent that Khimetrics, Inc., is the assignee and the exclusive owner of the entire right, title, and interest of, in, and to U.S. Patent No. 6,988,076, filed on 10 September 2001, Serial No. 09/951,334, issued 17 January 2006, for a "Strategic Planning And Optimization System," and for all continuation applications thereof, as indicated by the Assignment recorded in the Assignment Records of the U.S. Patent and Trademark Office at Reel 012567, Frame 0650.

An application Serial No. 10/844,922, filed 12 May 2004, issued 28 March 2006 as U.S. Patent No. 7,020,617 is a continuation application of said U.S. Patent No. 6,988,076. Khimetrics, Inc. is the assignee and the exclusive owner of the entire right, title, and interest of, in, and to U.S. Patent No. 7,020,617 by virtue of said Assignment recorded in the Assignment Records of the U.S. Patent and Trademark Office at Reel 9355, Frame 0321.

The present application identified above, (hereinafter Continuation Application), is a continuation application of U.S. Patent No. 6,988,076. Khimetrics, Inc. is the assignee and the exclusive owner of the entire right, title, and interest of, in,

and to said Continuation Application by virtue of said Assignment recorded in the Assignment Records of the U.S. Patent and Trademark Office at Reel 9355, Frame 0321.

Khimetrics, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Continuation Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of said U.S. Patent No. 6,988,076. Khimetrics, Inc. further agrees that any patent so granted on the Continuation Application shall be enforceable only for and during such period that said patent is commonly owned with said U.S. Patent No. 6,988,076, this agreement to run with any patent granted on the Continuation Application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, Khimetrics, Inc. does not disclaim the terminal part of any patent granted on the Continuation Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of said U.S. Patent No. 6,988,076, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

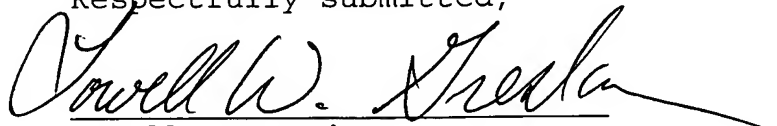
In addition, Khimetrics, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Continuation Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened

by any terminal disclaimer, of said U.S. Patent No. 7,020,617. Khimetrics, Inc. further agrees that any patent so granted on the Continuation Application shall be enforceable only for and during such period that said patent is commonly owned with said U.S. Patent No. 7,020,617, this agreement to run with any patent granted on the Continuation Application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, Khimetrics, Inc. does not disclaim the terminal part of any patent granted on the Continuation Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of said U.S. Patent No. 7,020,617, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The fee required by 37 C.F.R. 1.20(d) is submitted herewith.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Lowell W. Gresham', with a long horizontal flourish extending to the right.

Lowell W. Gresham  
Attorney for Applicant  
Reg. No. 31,165